

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

METLIFE LIFE AND ANNUITY COMPANY
OF CONNECTICUT,

Civil Action No.
07 CIV 7215
(Karas, J.)

Plaintiff,

-against-

NOTICE OF MOTION

ANA NICOLE DELIO; ZACHARY FARRELL SOBIE;
BRIAN SOBIE, Individually, as Trustee of
the ZACHARY FARRELL SOBIE GRANDCHILD
TRUST, and as Co-Trustee of the ANA
NICOLE DELIO GRANDCHILD TRUST; and
MICHAEL MENDELSON as co-Trustee of
the ANA NICOLE DELIO GRANDCHILD TRUST,

Defendants.

- - - - -X

PLEASE TAKE NOTICE that the defendants ZACHARY FARRELL SOBIE and BRIAN SOBIE will move In Limine before Honorable Kenneth M. Karas, United States District Judge, (a) to bar testimony of any person interested in the event regarding personal communications with the decedent ESTELLE SOBIE, pursuant to Rule 601 of the Federal Rules of Evidence and New York CPLR 4519; and (b) to allow testimony from non-interested parties concerning declarations of the decedent ESTELLE SOBIE concerning her intentions regarding the manner of distribution of her insurance annuities following her death.

The motion will be based on the accompanying Memorandum of Law and the arguments of counsel.

DATED: New York, New York
April 10, 2008

Respectfully submitted,

/s/_____
NOEL W. HAUSER (8183)
NOEL W. HAUSER AND ASSOCIATES
Attorneys for Answering Defendants
270 Madison Avenue - 13th Floor
New York, New York 10016
212 688-6400